

### **REMARKS**

The final Office Action of November 24, 2010, has been carefully reviewed, and these remarks are responsive thereto. This amendment is being filed concurrent with the filing of a Request for Continued Examination. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 3, 6, 13, 21-24, 27, and 30-31 have been amended to place the claims in a more preferred form. Claims 33-35 have been added. No new matter has been added. Claims 1, 3, 6, 8, 13, and 21-35 remain pending.

Initially Applicants thank the Examiner and supervisor for the courtesies in extending an Examiner Interview on January 20, 2011. This paper is responsive thereto and includes a statement of the substance of the interview.

With respect to the potential double patenting of claims 31 and 32, Applicants have amended claim 31 to depend from claim 30, thus rendering the possibility of double patenting of claims 31 and 32 moot.

Claims 1, 3, 6, 8, 13, and 21-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,100,183 to Kunkel (hereinafter referred to as *Kunkel*) in view of U.S. Published Application 2005/0193410 to Eldering (hereinafter referred to as *Eldering*). Applicants respectfully traverse.

In response to the Examiner Interview of January 20, 2011, and as evidenced in the Interview Summary mailed January 25, 2011, an agreement was reached that that the current rejection of record of the combination of *Kunkel* and *Eldering* under 35 U.S.C. 103(a) is not proper since the arguments of record appeared to be persuasive. As such, Applicants' arguments in the Office Action response filed September 16, 2010, are persuasive in overcoming the rejection. However, in order to expedite prosecution, Applicants amend the claims as enclosed herein and provide the following remarks.

Applicants' amended independent claim 1 recites, among other features, "receiving, from at least one receiver of the specific group of receivers, a request via a third stream to retrieve interactive content of the interactive video content; and responsive to the request, transmitting the requested interactive content of the interactive video content to the at least one receiver of the specific group of receivers." Neither *Eldering* nor *Kunkel*, alone or in combination, teaches or suggest these additional features of Applicants' claim 1.

As admitted in the Action, *Kunkel* fails to teach or suggest interactive TV content. (Action, p. 4). *Eldering* describes the creation of multicasting subgroups separate for cable systems and satellite-based systems (see paras. [0041]-[0050]) in comparison to standard Internet multicasting protocols networks (see paras. [0037]-[0040]). Yet, whether a standard Internet multicasting protocol network, cable system, or satellite-based system, *Eldering* fails to teach or suggest receiving a request from a specific receiver to retrieve interactive content of the interactive video content and transmitting the requested interactive content to the specific receiver in response. *Eldering* describes a one-way transmission system for TV content. Interactivity with an end receiver is simply not taught or suggested by *Eldering*.

Applicants' independent claims 6 and 13 include features similar to those described above with respect to claim 1. As such, for at least similar reasons as Applicants' claim 1, the art of record fails to teach or suggest each and every feature of Applicants' independent claims 6 and 13. Applicants' claims 3, 21, and 24-26, 8, 22, and 27-29, and 23 and 30-32 depend from claims 1, 6, and 13, respectively, and are allowable over the art of record for at least the same reasons as its base claim and for the additional features recited therein.

Applicants' new claims 33-35 are fully supported by the original specification and figures. For example, support may at least be found in Figure 1A and paragraphs [0023]-[0024]. New claims 33-35 are allowable over the current art of record and notice of the same is respectfully requested.

**CONCLUSION**

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. If, however, for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

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